

# HOUSE BILL No. 1582

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-12; IC 20-18-2-6; IC 20-19-4-10; IC 20-20; IC 20-24; IC 20-25; IC 20-26-13-5; IC 20-28-8-5; IC 20-30-2-2.2; IC 20-31; IC 20-32.

**Synopsis:** ISTEP. Makes the ISTEP examination an assessment that may not be used to evaluate students, teachers, administrators, or schools. Makes the ISTEP an assessment to be used to diagnose the areas in which a student is in need of intervention or remediation and to aid schools in designing their curricula to enhance the education of their students. Prohibits the results of the ISTEP from being used as criteria by which a school receives either an award or a punishment. Eliminates the graduation examination.

**Effective:** July 1, 2007.

**Kersey**

January 23, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1582

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-12-13-6, AS ADDED BY P.L.185-2006,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 6. (a) A state educational institution (as defined  
4       in IC 20-12-0.5-1) may establish a high school fast track to college  
5       program that offers qualified individuals an opportunity to earn a high  
6       school diploma while earning credits for a degree.

7       (b) To be eligible to earn a high school diploma under this section,  
8       an individual must be either:

9           (1) at least nineteen (19) years of age and not enrolled in a school;

10          or

11          (2) at least seventeen (17) years of age and have consent from the  
12          high school the individual attended most recently. The school  
13          corporation in which an individual to whom this subdivision  
14          applies resides shall pay the individual's tuition for high school  
15          level courses taken at the state educational institution during each  
16          year the individual is included in the school corporation's ADM.

17       (c) To complete the requirements for a high school diploma under

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1 this section, the individual must have:

2 (1) passed:

3 ~~(A) the graduation examination given under IC 20-32-4;~~

4 ~~(B) (A)~~ an examination for a general educational development  
5 diploma;

6 ~~(C) an examination equivalent to the graduation examination:~~

7 (i) administered by the state educational institution; and

8 (ii) approved by the department; or

9 ~~(D) (B)~~ an examination that demonstrates the student is ready  
10 for college level work:

11 (i) administered by the state educational institution; and

12 (ii) approved by the department; and

13 (2) completed the ~~coursework~~ **course work** necessary to meet:

14 (A) the minimum high school course requirements established  
15 by the state board; and

16 (B) the requirements of the state educational institution.

17 (d) In addition to meeting the requirements set forth in subsections  
18 (b) and (c), an individual must have the credits toward graduation that  
19 the individual successfully completed in high school transferred to the  
20 state educational institution.

21 (e) The state educational institution shall notify the state board that  
22 an individual has successfully completed the requirements of a  
23 program established under this section. Upon receiving the notification,  
24 the state board shall:

25 (1) grant to the individual a high school diploma that states the  
26 name of the state educational institution at which the individual  
27 earned the high school diploma; and

28 (2) provide the diploma to the state educational institution to  
29 award to the individual.

30 (f) A state educational institution that establishes a program under  
31 this section shall report annually to the education roundtable  
32 established under IC 20-19-4 the number of program participants and  
33 diplomas granted.

34 SECTION 2. IC 20-12-75-14, AS ADDED BY P.L.185-2006,  
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2007]: Sec. 14. (a) Ivy Tech may establish a high school fast  
37 track to college program that offers qualified individuals an opportunity  
38 to earn a high school diploma while earning credits for a certificate  
39 program or an associate's degree.

40 (b) To be eligible to earn a high school diploma under this section,  
41 an individual must be either:

42 (1) at least nineteen (19) years of age and not enrolled in a school;

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or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently. The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at Ivy Tech during each year the individual is included in the school corporation's ADM.

(c) To complete the requirements for a high school diploma under this section, the individual must have:

(1) passed:

~~(A) the graduation examination given under IC 20-32-4;~~

~~(B) (A) an examination for a general educational development diploma;~~

~~(C) an examination equivalent to the graduation examination:~~

~~(i) administered by Ivy Tech; and~~

~~(ii) approved by the department; or~~

~~(D) (B) an examination that demonstrates the student is ready for college level work:~~

~~(i) administered by Ivy Tech; and~~

~~(ii) approved by the department; and~~

(2) completed the ~~coursework~~ **course work** necessary to meet:

(A) the minimum high school course requirements established by the state board; and

(B) the requirements of Ivy Tech.

(d) In addition to meeting the requirements set forth in subsections (b) and (c), an individual must have the credits toward graduation that the individual successfully completed in high school transferred to Ivy Tech.

(e) Ivy Tech shall notify the state board that an individual has successfully completed the requirements of a program established under this section. Upon receiving the notification, the state board shall:

(1) grant to the individual a high school diploma that states the individual earned the high school diploma at Ivy Tech; and

(2) provide the diploma to Ivy Tech to award to the individual.

(f) If Ivy Tech establishes a program under this section, Ivy Tech shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted.

SECTION 3. IC 20-19-4-10, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The roundtable shall review and recommend to the state board for the state board's approval the following:

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(1) The academic standards under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6 for all grade levels from kindergarten through grade 12.

(2) The content and format of the ISTEP program, including the following:

~~(A) The graduation examination.~~

~~(B)~~ the passing scores required at the various grade levels tested under the ISTEP program.

SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.185-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6).

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:

~~(A) ISTEP program test scores.~~ **Locally adopted assessments.**

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

(6) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented, if offered.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

(7) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

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- 1 (iii) the percentage of students taking the test.
- 2 (8) Course completion, including the number and percentage of
- 3 students completing the following programs:
- 4 (A) Academic honors diploma.
- 5 (B) Core 40 curriculum.
- 6 (C) Vocational programs.
- 7 (9) The percentage of grade 8 students enrolled in algebra I.
- 8 (10) The percentage of graduates who pursue higher education.
- 9 (11) School safety, including:
- 10 (A) the number of students receiving suspension or expulsion
- 11 for the possession of alcohol, drugs, or weapons; and
- 12 (B) the number of incidents reported under IC 20-33-9.
- 13 (12) Financial information and various school cost factors,
- 14 including the following:
- 15 (A) Expenditures per pupil.
- 16 (B) Average teacher salary.
- 17 (C) Remediation funding.
- 18 (13) Technology accessibility and use of technology in
- 19 instruction.
- 20 (14) Interdistrict and intradistrict student mobility rates, if that
- 21 information is available.
- 22 (15) The number and percentage of each of the following within
- 23 the school corporation:
- 24 (A) Teachers who are certificated employees (as defined in
- 25 IC 20-29-2-4).
- 26 (B) Teachers who teach the subject area for which the teacher
- 27 is certified and holds a license.
- 28 (C) Teachers with national board certification.
- 29 (16) The percentage of grade 3 students reading at grade 3 level.
- 30 (17) The number of students expelled, including the number
- 31 participating in other recognized education programs during their
- 32 expulsion.
- 33 (18) Chronic absenteeism, which includes the number of students
- 34 who have been absent more than ten (10) days from school within
- 35 a school year without being excused.
- 36 (19) The number of students who have dropped out of school,
- 37 including the reasons for dropping out.
- 38 (20) The number of student work permits revoked.
- 39 (21) The number of student driver's licenses revoked.
- 40 (22) The number of students who have not advanced to grade 10
- 41 due to a lack of completed credits.
- 42 (23) The number of students suspended for any reason.

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(24) The number of students receiving an international baccalaureate diploma.

(25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 5. IC 20-20-31-10, AS ADDED BY P.L.246-2005, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department and the advisory board of the division of professional standards established by IC 20-28-2-2. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ~~ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6,~~ local tests, **assessments under IC 20-32-5-21, if appropriate,** classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

SECTION 6. IC 20-24-4-1, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years; and

(B) a fixed number of years agreed to by the sponsor and the organizer.

(6) Provide for:

(A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and

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- 1 (B) renewal, if the sponsor and the organizer agree to renew
- 2 the charter.
- 3 (7) Specify the grounds for the sponsor to:
- 4 (A) revoke the charter before the end of the term for which the
- 5 charter is granted; or
- 6 (B) not renew a charter.
- 7 (8) Set forth the methods by which the charter school will be held
- 8 accountable for achieving the educational mission and goals of
- 9 the charter school, including the following:
- 10 (A) Evidence of improvement in:
- 11 (i) assessment measures; ~~including the ISTEP program and~~
- 12 ~~the graduation examination;~~
- 13 (ii) attendance rates;
- 14 (iii) graduation rates (if appropriate);
- 15 (iv) increased numbers of Core 40 diplomas (if appropriate);
- 16 and
- 17 (v) increased numbers of academic honors diplomas (if
- 18 appropriate).
- 19 (B) Evidence of progress toward reaching the educational
- 20 goals set by the organizer.
- 21 (9) Describe the method to be used to monitor the charter
- 22 school's:
- 23 (A) compliance with applicable law; and
- 24 (B) performance in meeting targeted educational performance.
- 25 (10) Specify that the sponsor and the organizer may amend the
- 26 charter during the term of the charter by mutual consent and
- 27 describe the process for amending the charter.
- 28 (11) Describe specific operating requirements, including all the
- 29 matters set forth in the application for the charter.
- 30 (12) Specify a date when the charter school will:
- 31 (A) begin school operations; and
- 32 (B) have students attending the charter school.
- 33 (13) Specify that records of a charter school relating to the
- 34 school's operation and charter are subject to inspection and
- 35 copying to the same extent that records of a public school are
- 36 subject to inspection and copying under IC 5-14-3.
- 37 (14) Specify that records provided by the charter school to the
- 38 department or sponsor that relate to compliance by the organizer
- 39 with the terms of the charter or applicable state or federal laws are
- 40 subject to inspection and copying in accordance with IC 5-14-3.
- 41 (15) Specify that the charter school is subject to the requirements
- 42 of IC 5-14-1.5.

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SECTION 7. IC 20-24-9-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. An annual report under this chapter must contain the following information for a charter school:

(1) Results of all standardized testing, including ISTEP program testing ~~and the graduation examination: examinations.~~

(2) A description of the educational methods and teaching methods employed.

(3) Daily attendance records.

(4) Graduation statistics (if appropriate), including attainment of Core 40 and academic honors diplomas.

(5) Student enrollment data, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(C) The number of students who discontinued attendance at the charter school and the reasons for the discontinuation.

SECTION 8. IC 20-25-10-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The board shall modify, develop, and implement a plan for the improvement of student achievement in the schools in the school city.

(b) A plan modified, developed, and implemented under this chapter must be consistent with this article and with IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

SECTION 9. IC 20-25-10-3, AS AMENDED BY P.L.1-2006, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The board shall:

(1) modify, develop, and publish the plan required under this chapter; and

(2) implement the modified plan;

in compliance with the timelines of IC 20-31-1, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

SECTION 10. IC 20-25-10-5, AS AMENDED BY P.L.1-2006, SECTION 324, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

(1) the relationship of the programs to improved student achievement; and

(2) the educational value of the programs in relation to cost.

(b) The board may obtain information from:

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1 (1) educators in the schools offering a program;  
 2 (2) students participating in a program; and  
 3 (3) the parents of students participating in a program;  
 4 in preparing an assessment and evaluation under this section. The  
 5 assessment must include the performance of the school's students in  
 6 achieving student performance improvement levels under IC 20-31-1,  
 7 IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9,  
 8 IC 20-31-10, and IC 20-25-11.

9 SECTION 11. IC 20-25-11-1, AS AMENDED BY P.L.1-2006,  
 10 SECTION 325, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2007]: Sec. 1. The board shall establish annual  
 12 student performance improvement levels for each school that are not  
 13 less rigorous than the student performance improvement levels under  
 14 IC 20-31-1, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8,  
 15 IC 20-31-9, and IC 20-31-10, including the following:

- 16 (1) For students:
- 17 (A) improvement in results on assessment tests and assessment
  - 18 programs;
  - 19 (B) improvement in attendance rates; and
  - 20 (C) improvement in progress toward graduation.
- 21 (2) For teachers:
- 22 (A) improvement in student results on assessment tests and
  - 23 assessment programs;
  - 24 (B) improvement in the number and percentage of students
  - 25 achieving:
    - 26 (i) state achievement standards; and
    - 27 (ii) if applicable, performance levels set by the board;
  - 28 on assessment tests;
  - 29 (C) improvement in student progress toward graduation;
  - 30 (D) improvement in student attendance rates for the school
  - 31 year;
  - 32 (E) improvement in individual teacher attendance rates;
  - 33 (F) improvement in:
    - 34 (i) communication with parents; and
    - 35 (ii) parental involvement in classroom and extracurricular
    - 36 activities; and
  - 37 (G) other objectives developed by the board.
- 38 (3) For the school and school administrators:
- 39 (A) improvement in student results on assessment tests, totaled
  - 40 by class and grade;
  - 41 (B) improvement in the number and percentage of students
  - 42 achieving:

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- (i) state achievement standards; and
- (ii) if applicable, performance levels set by the board;
- on assessment tests, totaled by class and grade;
- (C) improvement in:
  - (i) student graduation rates; and
  - (ii) progress toward graduation;
- (D) improvement in student attendance rates;
- (E) management of:
  - (i) general fund expenditures; and
  - (ii) total expenditures;
- per student;
- (F) improvement in teacher attendance rates; and
- (G) other objectives developed by the board.

SECTION 12. IC 20-25-12-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9, and IC 20-31-10 apply to the school city. The composition of a local school improvement committee is determined under IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

(b) The plan developed and implemented by the board under IC 20-25-10 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(c) The board's plan shall provide for the publication to other schools in the school city and to the general community those:

- (1) processes;
- (2) innovations; and
- (3) approaches;

that have led individual schools to significant improvement in student achievement.

SECTION 13. IC 20-25-13-7, AS AMENDED BY P.L.1-2006, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. IC 20-28-6-4 and IC 20-28-6-5 apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of IC 20-31-1, IC 20-31-5, IC 20-31-6, ~~IC 20-31-7~~, IC 20-31-8, IC 20-31-9, and IC 20-31-10 may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.

SECTION 14. IC 20-26-13-5, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "graduation" means

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the successful completion by a student of

(+) a sufficient number of academic credits, or the equivalent of  
academic credits ~~and~~

(2) ~~the graduation examination or waiver process required under  
IC 20-32-3 through IC 20-32-6;~~

resulting in the awarding of a high school diploma or an academic  
honors diploma.

(b) The term does not include the granting of a general educational  
development diploma under IC 20-20-6.

SECTION 15. IC 20-28-8-5, AS ADDED BY P.L.1-2005,  
SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 5. The evaluation of a principal's performance  
may not be based ~~wholly~~ on the ISTEP program test scores under  
IC 20-32-5 of the students enrolled at the principal's school. ~~However,~~  
~~the ISTEP program test scores under IC 20-32-5 of the students~~  
~~enrolled at a principal's school may be considered as one (+) of the~~  
~~factors in the evaluation of the principal's overall performance at the~~  
~~school.~~

SECTION 16. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,  
SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]: Sec. 2.2. (a) As used in this section, "eligible student"  
means a student in grade 11 or 12 who has:

(1) ~~failed the ISTEP+ graduation exam~~ **grade 10 ISTEP  
assessment** at least twice;

(2) been determined to be chronically absent, by missing more  
than ten (10) unexcused days of school in one (1) school year;

(3) been determined to be a habitual truant, as identified under  
IC 20-33-2-11;

(4) been significantly behind in credits for graduation, as  
identified by an individual's school principal;

(5) previously undergone at least a second suspension from school  
for the school year under IC 20-33-8-14 or IC 20-33-8-15;

(6) previously undergone an expulsion from school under  
IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

(7) been determined by the individual's principal and the  
individual's parent or guardian to benefit by participating in the  
school flex program.

(b) An eligible student who participates in a school flex program  
must:

(1) attend school for at least three (3) hours of instructional time  
per school day;

(2) pursue a timely graduation;

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- (3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Indiana bureau of child labor;
- (4) not be suspended or expelled while participating in a school flex program;
- (5) pursue course and credit requirements for a general diploma; and
- (6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

(d) If one (1) or more students participate in a school flex program, the principal shall, on forms provided by the department, submit a yearly report to the department of student participation and graduation rates of students who participate in the school flex program.

SECTION 17. IC 20-31-1-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Except as provided in ~~IC 20-31-7~~ and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-19-2-8.

SECTION 18. IC 20-31-8-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The performance of a school's students on ~~the ISTEP program test and other~~ assessments recommended by the education roundtable and approved by the state board are the primary and majority means of assessing a school's improvement.

(b) The education roundtable shall examine and make recommendations to the state board concerning:

- (1) performance indicators to be used as a ~~secondary~~ means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and
- (3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The education roundtable shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

**(d) ISTEP program test scores may not be used as a means of assessing a school's improvement.**

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SECTION 19. IC 20-31-8-2, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) In addition to **using** scores on the ~~ISTEP program test and other~~ assessments **recommended by the education roundtable and approved by the state board**, the department shall use the performance indicators developed under section 1 of this chapter and the benchmarks and indicators of performance in each school corporation's annual performance report as a secondary means of assessing the improvement of each school and school corporation.

(b) The department shall assess improvement in the following manner:

(1) Compare each school and each school corporation with its own prior performance and not to the performance of other schools or school corporations.

(2) Compare the results in the annual report under IC 20-20-8 with the benchmarks and indicators of performance established in the plan for the same school.

(3) Compare the results for a school by comparing each student's results for each grade with the student's prior year results, with an adjustment for student mobility rate. The education roundtable shall make recommendations concerning the incorporation of a statistical adjustment for student mobility rates into the results.

(4) Compare the results for a school with the state average and the ninety-fifth percentile level for all assessments and performance indicators.

SECTION 20. IC 20-32-4-1, AS ADDED BY P.L.105-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b), a student must meet:

(1) the academic standards tested in the ~~graduation~~ **grade 10 ISTEP** examination; and

(2) any additional requirements established by the governing body of the student's school corporation;

to be eligible to graduate.

(b) Except as provided in sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, beginning with the class of students who expect to graduate during the 2010-2011 school year, each student is required to meet:

(1) the academic standards tested in the ~~graduation~~ **grade 10 ISTEP** examination;

(2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) any additional requirements established by the governing

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body;  
to be eligible to graduate.

SECTION 21. IC 20-32-4-2, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A student who does not meet the academic standards tested in the ~~graduation~~ **grade 10 ISTEP** examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

SECTION 22. IC 20-32-4-4, AS AMENDED BY P.L.185-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. Beginning with the 2005-2006 school year, a student who does not achieve a passing score on the ~~graduation~~ **grade 10 ISTEP** examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student does all the following:

- (1) Takes the ~~graduation~~ **grade 10 ISTEP** examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the ~~graduation~~ **grade 10 ISTEP** examination.
- (2) Completes remediation opportunities provided to the student by the student's school.
- (3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.
- (4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.
- (5) Otherwise satisfies all state and local graduation requirements.
- (6) Either:
  - (A) completes:
    - (i) the course and credit requirements for a general diploma, including the career academic sequence;
    - (ii) a workforce readiness assessment; and
    - (iii) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school; or
  - (B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal

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of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

- (i) tests other than the ~~graduation~~ **grade 10 ISTEP** examination; or
- (ii) classroom work.

SECTION 23. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section applies to a student who is a child with a disability (as defined in IC 20-35-1-2).

(b) If the student does not achieve a passing score on the ~~graduation~~ **grade 10 ISTEP** examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

- (A) be concurred in by the principal of the student's school; and
- (B) be supported by documentation that the student has attained the academic standard in the subject area based on:
  - (i) tests other than the ~~graduation~~ **grade 10 ISTEP** examination; or
  - (ii) classroom work.

(2) The student meets all the following requirements:

- (A) Retakes the ~~graduation~~ **grade 10 ISTEP** examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
- (B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
- (C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
- (D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.
- (E) Otherwise satisfies all state and local graduation requirements.

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SECTION 24. IC 20-32-4-9, AS ADDED BY P.L.105-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. This section applies to a student who receives a score on the ~~graduation~~ **grade 10 ISTEP** examination that is in the twenty-fifth percentile or lower when the student takes the ~~graduation~~ **grade 10 ISTEP** examination for the first time. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

- (1) continuing in the Core 40 curriculum; or
- (2) completing the general curriculum.

SECTION 25. IC 20-32-5-1, AS ADDED BY P.L.246-2005, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

- ~~(1) To assess the strengths and weaknesses of school performance.~~
- ~~(2) To assess the effects of state and local educational programs.~~
- ~~(3) To compare achievement of Indiana students to achievement of students on a national basis.~~
- ~~(4) is to provide a source of information for state and local decision makers with regard to educational matters, including the following:~~
  - ~~(A) (1) The overall academic progress of students.~~
  - ~~(B) (2) The need for new or revised educational programs.~~
  - ~~(C) (3) The need to terminate existing educational programs.~~
  - ~~(D) (4) Student readiness for postsecondary school experiences.~~
  - ~~(E) (5) Overall curriculum development and revision activities.~~
  - ~~(F) (6) Identifying students who may need remediation under IC 20-32-8.~~
  - ~~(G) (7) Diagnosing individual student needs.~~
  - ~~(H) (8) Teacher education and staff development activities.~~

SECTION 26. IC 20-32-5-11, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. **(a)** Each school corporation shall compile the total results of the ISTEP program tests. ~~in a manner that will permit evaluation of learning progress within the school corporation.~~ The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent of each student tested under the ISTEP program. **The results of the**

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1 **ISTEP program test may not be used:**

2 **(1) to evaluate:**

3 **(A) students;**

4 **(B) teachers;**

5 **(C) schools; or**

6 **(D) administrators; or**

7 **(2) as criteria by which a school shall receive either an award**  
 8 **or a penalty.**

9 **(b) The ISTEP program test scores may be used to diagnose the**  
 10 **subject areas in which a student needs intervention or remediation,**  
 11 **or both.**

12 **(c) The department shall provide an itemized analysis of the**  
 13 **ISTEP test program for every student.**

14 SECTION 27. IC 20-32-5-15, AS ADDED BY P.L.1-2005,  
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2007]: Sec. 15. (a) The state superintendent shall develop an  
 17 ISTEP program testing schedule in which

18 ~~(1) each student in grades 3, 6, 8, and 10 must be tested. and~~

19 ~~(2) each student in grade 10 must take a graduation examination.~~

20 ~~(b) The state board shall adopt rules to establish when a student is~~  
 21 ~~considered to be in grade 10 for purposes of initially taking the~~  
 22 ~~graduation examination.~~

23 SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 24 JULY 1, 2007]: IC 20-18-2-6; IC 20-31-7.

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